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# The Development of the Children's Code

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SOLOMON says that a good man "leaveth an inheritance to his children's children." He does not tell us what kind of inheritance he had in mind as suitable for children, but he says that houses and riches are the inheritance of fathers, and, as a father, he says to children: "Wisdom is the principal thing, therefore get wisdom; and with all thy getting get understanding." If this means that the proper inheritance of children is wisdom and understanding, then indeed is Solomon wise, for "she is more precious than rubies . . . length of days is in her right hand, and in her left hand riches and honor." Wisdom and understanding come of knowledge and experience, those riches of the mind and heart, and are added unto us through length of days. Here we have the philosophy of child welfare work: a lengthened childhood is the best inheritance we can leave to our children and to our children's children, for it is the way to wisdom and understanding, to riches and honor.

## BASIC PURPOSE OF CHILD WELFARE SERVICE

The basic purpose of child welfare service, whatever its kind and whatever its goal, is to prolong the period of childhood. Lengthened childhood is the warp of that fabric we are weaving to shield and equip our boys and girls. On this basis we set up a structure for their good; through this warp we run the woof, the threads that make it strong.

The first threads are all those efforts that make secure the lengthened days of childhood: all the work that is done

to save children from disease and deformity and to promote their health and vitality; the laws, ordinances and agencies that stand between them and exploitation; the measures that safeguard them from abuse; the officers, courts and institutions that lead them away from careers of crime. The second are those threads that seek to equalize the conditions of life for childhood: the steps that are taken to relieve the suffering of the poor and to put down the evil of poverty; that great overflowing of hearts that goes to the care of the unfortunate and the handicapped. And finally come the threads that lead to the heights beyond: the schooling, the training, the guidance and the play that bring education and the joy of life.

Thus it is our task to lengthen childhood, to make it safe, to give a fair chance to those stricken in body, mind or estate, to provide training and recreation for all. Without these things neither the children of today nor those of tomorrow can lay up for themselves the treasures of wisdom and understanding; they cannot inherit the riches whose price is above rubies.

With less than this inheritance for every child we must not be content. No flower is born to waste its sweetness on the desert air. That any waste their sweetness is our fault and we should not cease from striving till every bud unfolds its petals in a world of opportunity. No child is born to a barren life but every one has in him some power, however slight, to swell the sum total of our happiness. Ours is the duty to prepare the way so that he can

use this power; his, is the duty to use it.

The instrument, imperfect and incomplete as it is, that we have devised for insuring to every child as fair a start in life as it is possible to give him, is commonly known as the "children's code." This has developed out of the experience of those who, in various ways, have served the public interest through serving children. Its growth has been gradual, of course, but it is only within recent years that all the accumulated experience has been brought to bear in any logical manner upon the preparation of a broad and coördinated program. Efforts toward this end have converged in an expression of the principles underlying child care, the formulation of standards to govern such care in accordance with modern thought, and the embodiment of these standards into law and practice with such modifications in the different states as special circumstances might require or public opinion dictate. The declaring of principles and the framing of standards clears the air and points the way; it sets up a mark toward which to work and shows why we should strive to reach it. The writing of the standards into the statutes secures to us the enjoyment of our gains as they are won and records our progress toward sound theory and practice.

#### GROUNDWORK OF THE CHILDREN'S CODE

A striking instance of the attempt to set forth the principles underlying social work and to rear up standards on those principles, occurred in 1909 when, upon the invitation of President Roosevelt, a meeting of representative social workers, since known as the White House Conference, was held in Washington to consider the care of dependent children. The authoritative declaration made on this occasion has ever since been the guide of social workers in

the treatment and care of dependent and neglected children.

Another instance has been the agitation for general recognition of certain standards concerning the employment of children in gainful occupations. This agitation, long carried on by national societies, was given a more definite objective in 1911 when the National Conference of Commissioners on Uniform State Laws approved a standard child labor bill which had been drawn at the request of this body by the National Child Labor Committee. The measure was recommended by the commissioners to the several states for enactment into law with a view to legislative uniformity in this field, and has been adopted, in part at least, by most of our commonwealths, while its fundamental provisions have been written into the law of the nation.

Further, the principles upon which the organization and procedure of juvenile courts are based have been stated, the purposes and functions of probation have been made clear, and standard bills have been drawn by leaders for the use of states and smaller communities in dealing with juvenile delinquents..

Then, at the National Conference of Charities and Correction held in Baltimore in 1915, so much interest was shown in the correlation of child welfare laws and of the work of administrative agencies that an organization was effected to stimulate the children's code movement throughout the country. This organization took the name of the National Committee for Standardizing Child Welfare Laws. At the National Conference of Social Work held in Milwaukee in 1921, steps were taken to make this committee still more representative and useful; it was planned to have this national agency serve not only as a source of encouragement to the children's code movement but also as a

clearing house for information about this movement, and about the activities of all private societies, public departments and bureaus that take any part in it—in a word, to correlate the efforts of those who are seeking correlation.

Finally, in the second year of our participation in the World War, a campaign was carried on under the leadership of the Children's Bureau of the Federal Government for the purpose of wakening in the people of this country a fuller sense of their responsibility to all children and a broader appreciation of child welfare work. This was known as "Children's Year," and, as a fitting climax, there was drawn up at a conference in Washington in 1919, a set of recommendations applying to several fields of child care in accordance with the announced purpose of agreeing upon "certain irreducible minimum standards for the health, education, and work of the American child." It is interesting to note that this was done just a decade after the White House Conference and in the same city; its agenda, however, covered a wider area; moreover, the Washington conference of 1909 was national while that of 1919 was international, guests being present from several foreign countries upon the invitation of our government.

In this international conference, we have a vivid illustration of the spread of the child welfare appeal and a formal acknowledgment of its universality. The organization of the *Congreso Americano del Niño* by Latin-American social workers in Buenos Aires in 1916 as a common meeting-ground for child welfare workers from the three Americas and from the islands of the sea, is further proof of the broad community of interest in all that relates to the well-being of children.

A few years ago, this first part of the children's code movement, the declaring of principles and the framing of

standards, was centered in the agitation for what was called at the time, a "Children's Charter." This was, in a way, an effort to coördinate and foster the different manifestations of goodwill toward children that had grown out of the general interest in their welfare, although it had also as one of its purposes, as its name implies, a statement of the rights of children, a formulating of the principles that lay at the bottom of all these manifestations. So although this proposed charter had in it something of the nature of each of the two parts of the children's code movement, namely, standards and statutes, it was primarily a seeking after bases of action, a quest for fundamentals. It was hoped to get clearly in mind just what were the rights of childhood and then to advance from the expression of these rights to a series of legislative proposals designed to secure them and to promote coöperation in their enforcement. The matter was discussed at meetings of the National Conference of Charities and Correction and of the National Child Labor Committee but the charter, as originally planned, was never drawn up. However, the report of the Children's Bureau Conference held in Washington in 1919, entitled "Standards of Child Welfare," is in reality a charter of childhood; it is an outgrowth of the earlier effort and is well adapted, so far as it goes, to serve the ends of the former plan.

#### THE LEGISLATIVE WORK

The writing of standards into the law is the more palpable part of the children's code movement and, as a matter of fact, is usually regarded as its only part, for it is the obvious function of a children's code to lay down the law on child welfare. But this is really the crystallization of a process that has extended over a long period of time and

involves all the experience of the race. As attention has been drawn more and more publicly in recent years to the needs of children, a demand for more simplified laws and more effective procedure has arisen and out of this demand has grown the so-called children's code.

It may be said that it had its origin, if anything so evolutionary can be conceded a definite origin, in England. Three acts of Parliament known as the Consolidated Factory Acts, the Consolidated Educational Acts and the Children's Act of 1908, together with the amendments that have been adopted from time to time, especially the Fisher Act adopted toward the end of the World War, form what is practically a childhood's charter in the United Kingdom. The subject matter of the first and second of this group of acts is indicated by their titles. The third is wider in scope and is divided into six parts devoted to: (1) infant life protection; (2) prevention of cruelty to children and young persons; (3) the use of tobacco; (4) reformatory and industrial schools; (5) juvenile offenders; (6) miscellaneous matters such as definitions, safety at entertainments, penalties for giving intoxicating liquor to children, etc. The Children's Act of 1908 at the time of its passage was popularly called the Children's Charter, although not so comprehensive as the term would lead one to suppose. It immediately attracted the attention of social workers in the United States, who pointed out the more or less chaotic condition of our own child welfare laws and suggested that action be taken by the several states, looking toward the simplifying, standardizing, and coordinating of their provisions somewhat after the manner of the British plan.

Ohio was the first to respond. In 1911 her legislature directed the gov-

ernor to appoint "a commission to revise, consolidate and suggest amendments to the statute laws of the state of Ohio which pertain to children," and defined the powers and duties of this commission in part as follows:

In performing this duty such commissioners shall unify the present laws pertaining to illegitimate, defective, neglected, dependent and delinquent children, and to their treatment, care, maintenance, custody, control, protection and reformation; and shall suggest such amendments and additions as to them may seem best calculated to bring the law of this State into harmony with the best thought on this subject.

The commission labored at its task for nearly two years and submitted to the governor, and through him to the legislature, in 1913, a thoroughgoing report with recommendations for laws on state control of charities, juvenile courts, institutions, placing-out, compulsory education, child labor, apprenticeship, offenses against children, and mothers' pensions. These recommendations were introduced into the legislature in the form of a single bill and, with some changes, were adopted that year.

New Hampshire's legislature next took action by authorizing the governor and council in 1913 to appoint "three suitable persons who shall investigate all matters relating to the welfare of the dependent, defective and delinquent children of the State, especially the questions of orphanage, juvenile courts, detention homes, desertion, physical and mental degeneracy, infant mortality, accidents and diseases, and make report, with recommendations concerning the above matters, to the legislature of 1915." The commission was appointed and a careful report duly prepared and submitted but its recommendations failed of adoption.

Upon the suggestion of social workers and without authorization by the

legislature, the governor of Missouri created a commission and charged it with preparing for consideration such changes in the laws concerning children as seemed advisable. Accordingly, forty-two bills were drawn, covering fairly all phases of child welfare, but only ten were enacted; here, too, the measures were introduced as separate bills instead of in a body as was done in Ohio. The expenses incurred by the commission in the discharge of its duties were met by contributions from private sources, for of course no public funds had been made available through appropriation by the legislature as had been the case in Ohio and New Hampshire. The proposals having been in large part rejected by the legislature in 1917, the governor ordered the commission to continue its work and a new and more detailed report was prepared by its thirty members and submitted in 1919, together with bills to revise inconsistent or conflicting statutes, to repeal obsolete or undesirable provisions, and to provide in some instances entirely new legislation. At this session the report fared better and most of the recommendations were adopted.

In 1916, also upon the request of welfare workers and without warrant of the legislature, attempts to obtain its authorization having failed, the governor of Minnesota, inspired by the example of Missouri's chief executive, appointed twelve persons "to revise and codify the laws of the State relating to children." The commission had only five months in which to work before the convening of the legislature and therefore did not try to cover the entire body of laws pertaining to children but gave its attention chiefly to the interests of the handicapped. In this case, also, expenses were provided for through the generosity of public-spirited citizens and societies. The report when submitted was referred to a

joint committee of the two houses of the legislature and the secretary of the commission was appointed to serve as its clerk. Thirty-six of the forty-three bills that had been prepared were favorably reported to the legislature by its joint committee and were passed with but slight alterations and with scarcely a dissenting voice.

#### PRINCIPLES OF THE CHILDREN'S CODE

These states were the pioneers in the children's code movement in this country, and many others are following their lead and reorganizing their child welfare work. But the term "child welfare" has become more or less technical and among social workers nowadays it is applied to the care of the child handicapped by poverty, neglect, delinquency, or defect. In defining the powers and duties of children's code commissions, governors and legislatures have apparently had this common limitation in mind and the commissions have generally restricted their work accordingly. However, a children's code should be as comprehensive as its name; it should not be devoted to the interests of any one class alone; the normal child, the ordinary, everyday, wholesome boy or girl, should be its beneficiary as well as the abnormal or subnormal child who is in need of special care. The real children's code is democratic and recognizes no class distinctions. It should include measures for the preservation of life and health, for education, for recreation and for the rights of parent and child, as well as for protection from want, abuse and crime. Health, education, recreation, and employment concern all children and, moreover, most boys and girls are not dependent, destitute, neglected, abused, delinquent or defective, but are normal in respect to their home life, their behavior, their condition of body and mind, and their

relations to society. The four essentials to wholesome development, health, play, schooling and suitable work, since they are necessary to all classes of children, the fortunate as well as the unfortunate, should have their place in every children's code.

The title of this article implies that children's codes grow and the implication is true; indeed, it is this characteristic of growth that holds out the promise of social well-being. The task of adjusting laws to conditions is continuous because conditions are always changing. A children's code must be from time to time renewed for each rewriting of it is but a step in the evolution of child care, a clearing of the way for further progress. It should be thought of as a living thing, capable of endless development. A fixed and final code would be a disaster but, happily, it is an impossibility for in the natural course of events it must yield to change. Conditions and ideals are the stuff of which it is made up and conditions and ideals are not stable things. Thus, while a children's code seeks to equalize opportunities for children by making toward uniformity of conditions, it must itself submit to being moulded and remoulded as time goes on, and must always encourage experimental work by whatever agency may be willing to undertake it, for it is only by means of fresh enterprises and trial of new methods that our systems of

law and administrative effort can be kept adequate under the ever changing circumstances of our life.

A children's code is more than a code. A code is an orderly compilation of laws, a mere labor-saving device, while a children's code is constructive social service. A code is a collection of the laws as they are; a children's code is a changing of the laws to what they ought to be. A children's code does not even bring together into one body the various laws of a state relating to children but leaves them scattered among the general acts as determined by their content; it does not aim at mechanical perfection but at the nurture of boys and girls. The word "code" in this connection is really a misnomer and "charter," signifying as it does the bestowal of rights and privileges, would, perhaps, be better; but "code" is shorter and hence preferred.

So it is that this movement, by whatever name it may be called, tries to make childhood safe, to give opportunity to those who otherwise would not enjoy it and to provide training and play for all. If it lengthens childhood for all children it will have accomplished its purpose; for childhood, as we like to think of it, means happiness and if this be prolonged by any act of ours we shall leave to our children and to our children's children, an inheritance that naught else earthly can surpass.

## A State Program for Child Welfare

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IN 1915 Mr. C. C. Carstens, Chairman of the Children's Committee of the National Conference of Social Work (or Charities and Correction as it was then called), presented a report

to the Conference on "A Community Plan in Children's Work." This report attempted to set forth in a concrete manner, not only the community responsibility for certain